

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RHONDA LYNN BARTEE
aka RHONDA LYNN CHURCH
aka RHONDA LYNN DAVIS
aka RHONDA L. BARTEE
2912 West Street
Redding, CA 96001
and
3345 Magnums Way #3
Redding, CA 96003

Registered Nurse License No. 586481

Respondent.

Case No. 2007-302

OAH No. 2007070395

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 19, 2008.

IT IS SO ORDERED March 19, 2008.

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FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN, State Bar No. 186131
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4 California Department of Justice
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8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 **In the Matter of the Accusation Against:**

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14 2912 West Street
Redding, CA 96001
15 and
3345 Magnums Way #3
16 Redding, CA 96003

17 Registered Nurse License No. 586481

18 Respondent.
19

Case No. 2007-302

OAH No. 2007070395

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
21 proceeding that the following matters are true:

22 PARTIES

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Janice K. Lachman, Supervising Deputy Attorney General.

27 2. RHONDA LYNN BARTEE (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 29, 2001, the Board of Registered Nursing issued Registered Nurse License No. 586481 to RHONDA LYNN BARTEE. The License expired on February 28, 2007, and has not been renewed.

JURISDICTION

4. Accusation No. 2007-302 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 28, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-302 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-302. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-302, agrees that cause exists for discipline, and hereby surrenders her Registered Nurse License No. 586481 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 586481, issued to Respondent RHONDA LYNN BARTEE, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline

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1 against Respondent. This stipulation constitutes a record of the discipline and shall become a
2 part of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a registered nurse in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board any and all evidence
6 of licensure as a registered nurse, including both her wall and pocket license certificate, on or
7 before the effective date of the Decision and Order.

8 4. Respondent fully understands and agrees that if she ever files an
9 application for licensure or a petition for reinstatement in the State of California, the Board shall
10 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
11 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
12 and all of the charges and allegations contained in Accusation No. 2007-302 shall be deemed to
13 be true, correct, and admitted by Respondent when the Board determines whether to grant or
14 deny the petition.

15 5. Upon reinstatement of the license, Respondent shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$1,555.50. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board.

19 6. Should Respondent ever apply or reapply for a new license or certification
20 or petition for reinstatement of a license by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 2007-302 shall be
22 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
23 Issues or any other proceeding seeking to deny or restrict licensure.

24 7. Respondent shall not apply for licensure or petition for reinstatement for
25 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License No. 586481. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 9/27/07


RHONDA LYNN BARTEE
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 10/1/07

EDMUND G. BROWN JR., Attorney General
of the State of California

ALFREDO TERRAZAS
Senior Assistant Attorney General

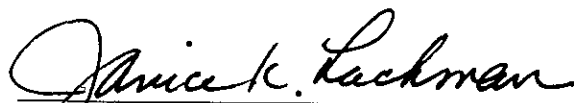

JANICE K. LACHMAN
Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 2007-302

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
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7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-302

13 **RHONDA LYNN BARTEE, aka**
14 **RHONDA LYNN CHURCH, aka**
15 **RHONDA LYNN DAVIS, aka**
16 **RHONDA L. BARTEE**
2912 West Street
Redding, CA 96001

ACCUSATION

17 Registered Nurse License No. 586481,

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about August 29, 2001, the Board of Registered
25 Nursing ("Board") issued Registered Nurse License Number 586481 to Rhonda Lynn
26 Bartee, also known as Rhonda Lynn Church, also known as Rhonda Lynn Davis, also
27 known as Rhonda L. Bartee ("Respondent"). The license expired on February 28, 2007, and has
28 not been renewed.

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1 as defined in Division 10 (commencing with Section 11000) of
2 the Health and Safety Code or any dangerous drug or dangerous
3 device as defined in Section 4022.

4 (c) Be convicted of a criminal offense involving the
5 prescription, consumption, or self-administration of any of the
6 substances described in subdivisions (a) and (b) of this section,
7 or the possession of, or falsification of a record pertaining to, the
8 substances described in subdivision (a) of this section, in which
9 event the record of the conviction is conclusive evidence thereof.

10 7. Code section 4022 provides:

11 'Dangerous drug' or 'dangerous device' means any
12 drug or device unsafe for self-use in humans or animals,
13 and includes the following:

14 (a) Any drug that bears the legend: 'Caution: federal
15 law prohibits dispensing without prescription,' 'Rx only,' or
16 words of similar import.

17 (b) Any device that bears the statement: 'Caution:
18 federal law restricts this device to sale by or on the order of a
19 _____,' 'Rx only,' or words of similar import, the blank
20 to be filled in with the designation of the practitioner licensed
21 to use or order use of the device.

22 (c) Any other drug or device that by federal or state
23 law can be lawfully dispensed only on prescription or furnished
24 pursuant to Section 4006.

25 8. Code section 125.3 provides that the Board may request the administrative
26 law judge to direct a licensee found to have committed a violation or violations of the licensing
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
28 the case.

29 REGULATORY PROVISIONS

30 9. California Code of Regulations, title 16, section 1444, provides, in
31 pertinent part:

32 A conviction or act shall be considered to be substantially
33 related to the qualifications, functions or duties of a registered
34 nurse if to a substantial degree it evidences the present or
35 potential unfitness of a registered nurse to practice in a
36 manner consistent with the public health, safety, or welfare.

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1 **DRUGS**

2 10. "Heroin" is a Schedule I controlled substance as designated by Health
3 and Safety Code section 11054, subdivision (c)(11), and a dangerous drug within the meaning
4 of Code section 4022.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Substantially Related Criminal Conviction)

7 11. Respondent's license is subject to discipline under Code section 2761,
8 subdivision (f), in that on or about February 15, 2006, in the case entitled, "*People v. Rhonda*
9 *Lynn Bartee, et al.*" (Super. Ct. Shasta County, 2006, No. 05-03849), Respondent was convicted
10 by the Court of violating Health and Safety Code section 11351 (possession for sale of a
11 controlled substance), a felony, and Health and Safety Code section 11366 (maintaining place
12 for selling/using controlled substance), a felony. The circumstances underlying the conviction
13 occurred on or about May 22, 2005. The Court also found that a special allegation of offense
14 while on bail or own recognizance, in violation of Penal Code section 12022.1, was true. Such
15 crimes are substantially related to the qualifications, functions or duties of a registered nurse
16 within the meaning of California Code of Regulations, title, section 1444.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Conviction of a Crime Involving the Possession of
19 a Controlled Substance and Dangerous Drug)

20 12. Respondent's license is subject to discipline for unprofessional conduct
21 under Code section 2762, subdivision (c), in that, as set forth under paragraph 11, above,
22 Respondent was convicted of a criminal offense involving the possession of Heroin, a controlled
23 substance and a dangerous drug.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Wrongfully Possessing a Controlled Substance and Dangerous Drug)

26 13. Respondent's license is subject to discipline for unprofessional conduct
27 under Code section 2762, subdivision (a), in that, on or about May 22, 2005, Respondent was in

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1 possession for sale of a controlled substance, Heroin, in violation of Health and Safety Code
2 section 11351, as set forth under paragraph 11, above.

3 **MATTERS IN AGGRAVATION**

4 14. To determine the degree of discipline, if any, to be imposed on
5 Respondent, Complainant makes the following additional allegations:

6 a. On or about March 31, 2000, the Board of Registered
7 Nursing ("Board") received an application for licensure from Respondent. On or about
8 September 14, 2000, a Statement of Issues was filed against Respondent in the case entitled,
9 *"In the Matter of the Statement of Issues Against: Rhonda Lynn Bartee, aka Rhonda Lynn*
10 *Church, aka Rhonda Lynn Davis,"* in Case No. 2001-69 based upon the following:

11 1. On or about November 17, 1986, Respondent was convicted
12 in Shasta County Municipal Court of welfare fraud (*"People v. Rhonda Lynn Bartee,"*
13 Case No. 86-6563).

14 2. On or about May 26, 1987; Respondent was convicted in Shasta
15 County Superior Court on May 26, 1987 of the wrongful possession of a dangerous
16 drug/controlled substance (methamphetamine) (*"People v. Rhonda Lynn Bartee,"*
17 Case No. 86-8967).

18 3. On or about June 8, 1993, Respondent was convicted in Shasta County
19 Municipal Court of possession of a dangerous drug without a prescription (*"People v. Rhonda*
20 *Lynn Bartee,"* Case No. CRF 930001708).

21 4. On or about January 14, 1994, Respondent was convicted in Shasta
22 County Municipal Court of petty theft and providing false identification to a police officer
23 (*"Repole v. Victoria Ellen Davis, aka Rhonda Church (aka Rhonda L. Bartee),"* Case No. CRM
24 93-6901).

25 b. Effective July 4, 2001, in the Decision After Nonadoption in
26 Case No. 2001-69, Respondent's application for license was granted. Registered Nurse License
27 Number 586481 was issued to Respondent, and immediately revoked; however, the revocation
28 of the license was stayed and Respondent was placed on probation for a period of three years

1 under terms and conditions. On or about August 28, 2004; Respondent completed the terms
2 and conditions of probation.

3
4 **PRAYER**


5 **WHEREFORE**, Complainant requests that a hearing be held on the matters
6 herein alleged, and that following the hearing the Board issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 586481,
8 issued to Rhonda Lynn Bartee, also known as Rhonda Lynn Church, also known as Rhonda
9 Lynn Davis, also known as Rhonda L. Bartee;

10 2. Ordering Rhonda Lynn Bartee, also known as Rhonda Lynn Church,
11 also known as Rhonda Lynn Davis, also known as Rhonda L. Bartee, to pay the reasonable
12 costs incurred by the Board in the investigation and enforcement of this case pursuant to
13 Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.
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16 **DATED:** 6/15/07
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RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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28

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

RHONDA LYNN BARTEE
aka RHONDA LYNN CHURCH
aka RHONDA LYNN DAVIS
5770 E. Bonnyview Road
Redding, California 96001

Respondent.

Case No. 2001-69

OAH No. N2000090530

DECISION AFTER NONADOPTION

On November 9, 2000, in Redding, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by Janice K. Lachman, Deputy Attorney General.

Respondent represented herself.

Evidence was received, the record was closed and the matter was submitted.

The Administrative Law Judge issued his Proposed Decision on December 8, 2000. The Board of Registered Nursing ("Board") declined to adopt the Proposed Decision and issued its Notice of Nonadoption of Proposed Decision and request for waiver of transcript February 9, 2001. On February 20, 2001, the Board issued its Order Fixing Date for Submission of Written Argument. The time for filing written argument in this matter having expired, the entire record, with the exception of the transcript which was waived by both parties, having been read and considered by the Board, pursuant to Government Code section 11517, the Board hereby makes the following decision and order:

FACTUAL FINDINGS

1. Complainant, Ruth Ann Terry, M.P.H., R.N., made and filed the Statement of Issues in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, State of California ("Board").

2. On March 31, 2000, respondent submitted an application to the Board for licensure as a registered nurse. On July 5, 2000, the Board denied respondent's application for licensure. In her application, respondent answered "Yes" to the question, "Have you ever been convicted of any offense other than minor traffic violations." Her application was denied based upon her convictions.

3. On November 17, 1986, respondent was convicted, on her plea of guilty, in the Shasta County Municipal Court, of violating section 10980(c)(2) (welfare fraud) of the Welfare and Institutions Code. This crime was a felony. As a result of this conviction, respondent was placed on three years formal probation.

The facts and circumstances surrounding this crime are that from approximately May 1985 through August 1985, respondent fraudulently received AFDC in excess of \$400 for her two children.

4. On April 29, 1987, respondent was convicted, on her plea of guilty, in the Shasta County Superior Court, of violating section 11377(a) (possession of methamphetamine) of the Health and Safety Code. This crime was a felony. As a result of this conviction, respondent was placed on three years formal probation. Subsequently, this probation and the probation set forth in Finding 3 were revoked. Respondent was then sentenced to state prison for a period of two years, to be followed by a three year period of parole supervision.

5. On June 8, 1993, respondent was convicted, on her plea of guilty, in the Shasta County Municipal Court, of violating section 4230 (possession of a dangerous drug without a prescription) of the Business and Professions Code. This crime was a misdemeanor. As a result of this conviction, respondent received a suspended imposition of sentence and was placed on court probation for 12 months.

6. On January 14, 1994, respondent was convicted, on her plea of guilty, in the Shasta County Municipal Court, of violating section 484(a)/488 (petty theft) and section 148.9(a) (providing false identification to a police officer) of the Penal Code. These crimes were misdemeanors. As a result of these convictions, respondent's probation set forth in Finding 5 was revoked and respondent was placed on community release for a period of 18 months.

7. The above crimes are substantially related to the qualifications, functions, and duties of registered nurse.

8. Respondent is rehabilitated. The above convictions were related to respondent's addiction to heroin. Those convictions actually do not reveal the seriousness of respondent's heroin addiction. Nevertheless, at this time, respondent is rehabilitated.

Respondent is 40 years old and has lived in the Redding area for the last 25 years. In early 1995, respondent had three children and was pregnant. Her three children had been removed from her custody. Respondent was a hopeless heroin addict. In early 1995, she entered Victory House, a faith based residential home for women. The purpose of Victory House is to get drug addicted women off the drugs and reunited with their families. Respondent's fourth child, a boy, was born shortly after she entered the facility. Initially, he suffered from drug withdrawal. He was removed from the custody of respondent. However, he was reunited with respondent after approximately seven weeks.

Respondent's rehabilitation began when she entered Victory House. She had one relapse in 1995. Since then, she has been drug free. In late 1995, respondent was transferred to a transition house as part of the Victory House program. In early 1996, she had completed the Victory House program. Thereafter, she continued with spiritual counseling and successfully completed both AA and NA. She has successfully completed the 12 step program. In 1996, she regained custody of her younger daughter. She then had custody of this daughter and the son that was born at Victory House. He also celebrated his first birthday at Victory House. Respondent eventually regained custody of her older son. He is now 19 years old and no longer living with her. Respondent's oldest daughter is 22 years old and also does not live with her.

In 1996, respondent entered Shasta College. She became a full time student and prepared herself to enter the registered nurse program at that college. In August 1998, respondent entered the nursing program. She did well academically. She graduated from the nursing program in May 2000, with a grade point average exceeding 3.0. While at Shasta College, she was on the dean's list for two semesters. She received numerous scholarships and tutored students in Anatomy, Physiology, Microbiology and Human Biology. Respondent has been very successful in her nursing school program and intends to begin an R.N. bachelor degree program in January 2001.

While respondent was attending school full time, she also was a single mother raising her teenage daughter and young son. All four of respondent's children support and have been positively influenced by respondent's changed life. Her teenage daughter is a straight A student. She has recently received a Science award. While respondent was in school, she also kept a meticulously clean house for her children. It is noted for its decoration and warmth.

In June 2000, respondent was employed as a Unit Secretary at Mercy Hospital in Redding. She is now a Unit Secretary for the Cardiac Critical Care Unit at the hospital. She has an excellent reputation at the hospital and has had access to drugs.

Respondent testified that since entering Victory House, she has become a totally different person and that drugs are no longer an option for her. She has new goals and is noted for her openness and honesty. She has a very large support system. She has shown persistence in change. She desires to be self-supporting and to help others. In the last five years, she has developed from the maturity of a child to the purposefulness of a mature adult. During this time, she has managed the stress of school, children, and work. She has been an inspiration to her children and to many others. She has demonstrated that she well along in her recovery.

LEGAL CONCLUSIONS

1. Cause for denial of respondent's application was established pursuant to section 2761(a) of the Business and Professions Code ("Code") for unprofessional conduct, as follows:

A. For possession of a controlled substance and a dangerous drug in violation of section of 2762(c) of the Code, by reason of Findings 4 and 5.

B. For offenses substantially related to the qualifications, functions, and duties of a registered nurse, a violation of section 2761(f) of the Code, by reason of Findings 3 through 6.

2. Respondent has demonstrated that she is rehabilitated to extent that it would not be against the public's best interest to issue her a probationary license with terms and conditions that will protect the public in the event she has a relapse.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Rhonda Lynn Bartee for licensure as a registered nurse is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall be immediately revoked, the order of revocation stayed and respondent placed on probation for a period of three years subject to the following terms and conditions of probation:

(1) **SEVERABILITY CLAUSE** - Each term and condition of probation contained herein is a separate and distinct term and condition. If any term and condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be

affected. Each term and condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(2) **OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall submit a recent 2" X 2" photograph of himself or herself within 45 days of the effective date of the final decision.

(3) **COMPLY WITH PROBATION PROGRAM** - Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

(4) **REPORT IN PERSON** - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(5) **RESIDENCY OR PRACTICE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

(6) **SUBMIT WRITTEN REPORTS** - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he or she has a registered nurse license.

(7) **FUNCTION AS A REGISTERED NURSE** - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition.

(8) **EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS** - Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his or her employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after he or she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

(9) **SUPERVISION** - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless *alternative methods of supervision and/or collaboration* (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) **Maximum** - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) **Moderate** - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(10) **EMPLOYMENT LIMITATIONS** - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing; or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(11) **COMPLETE A NURSING COURSE(S)** - Respondent shall comply with the appropriate requirement, as specified in the decision:

Respondent, at his or her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(12) **VIOLATION OF PROBATION** - If a respondent violates the conditions of his/her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline, revocation of the respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, the respondent's license will be fully restored.

(13) **PHYSICAL EXAMINATION** - Within 45 days of the effective date of this decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Probation Program and respondent by telephone and send a written report to the Probation Program. Respondent shall immediately cease practice and shall not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Probation Monitor has notified respondent in writing that a medical determination permits respondent to resume practice.

(14) **PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE** - Respondent, at his/her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Probation Program recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12 step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so and are part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(16) SUBMIT TO TESTS AND SAMPLES - Respondent, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation.

(17) **MENTAL HEALTH EXAMINATION** - The respondent shall, within 45 days of the effective date of this decision, have a psychiatric examination including psychological testing as appropriate to determine his/her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist approved by the Board, who has experience treating persons with schizophrenia and chemical dependency. The examining psychiatrist will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the examination will be instituted and followed by the respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the psychiatrist making this determination shall immediately notify the Probation Program and respondent by telephone and in writing. Respondent shall immediately cease practice and may not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Probation Monitor has notified respondent that a mental health determination permits respondent to resume practice.

At any time during respondent's probation period, the Board may request that he have a psychiatric examination as described above. The examining psychiatrist will submit the written report directly to the board within 30 days from the request. Respondent shall be responsible for all costs associated with the examination. The Board is not limited in the number of times during the seven year probation period that it may request such an examination from respondent.

(18) **THERAPY OR COUNSELING PROGRAM** - Respondent, at his/her expense, shall participate in an on-going counseling program until such time as the Board releases him/her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

The effective date of this decision is July 4th, 2001.

DATED: June 4th, 2001


SANDRA ERICKSON
Board President
Board of Registered Nursing

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6 Attorneys for Complainant
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11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

14 In the Matter of the Statement of Issues Against:

NO. 2001-69

15 RHONDA LYNN BARTEE
aka RHONDA LYNN CHURCH
16 aka RHONDA LYNN DAVIS
5770 E. Bonnyview Road
17 Redding, California 96001

STATEMENT OF ISSUES

18 Respondent.
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21 Ruth Ann Terry, M.P.H., R.N., ("Complainant") alleges as follows:

22 1. Complainant is the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs, State of California (hereinafter, "Board") and makes and files
24 this Accusation solely in her official capacity.

25 **LICENSE HISTORY**

26 2. On or about March 29, 2000, the respondent submitted an application to
27 the Board for licensure as a registered nurse. On or about July 5, 2000, the Board denied
28 respondent's application for licensure.

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1 9. On or about January 14, 1994, in Shasta County Municipal Court in a case
2 entitled People v. Victoria Ellen Davis aka Rhonda Church (aka Rhonda L. Bartee), Case No.
3 CRM 93-6901, respondent was convicted, based upon her plea of guilty, of violating Penal Code
4 Section 484(a)/488 (petty theft), and Penal Code Section 148.9 (a) (providing false identification
5 to a police officer), both misdemeanors.

6 **CAUSES FOR DENIAL**

7 10. Respondent's application for licensure is subject to denial under Business
8 and Professions Code section 2761(a) on the grounds of unprofessional conduct as defined in
9 Business and Professions Code section 2762(c) in that respondent was convicted of a crime
10 involving the possession of a controlled substance, as more fully set forth in paragraph 7, hereby
11 incorporated by reference.

12 11. Respondent's application for licensure is subject to denial under Business
13 and Professions Code section 2761(a) on the grounds of unprofessional conduct as defined in
14 Business and Professions Code section 2762(c) in that respondent was convicted of a crime
15 involving the possession of a dangerous drug, as more fully set forth in paragraph 8, hereby
16 incorporated by reference.

17 12. Respondent's application for licensure is subject to denial under Business
18 and Professions Code sections 2761(f) in that respondent has been convicted of two separate
19 felonies, as more fully set forth in paragraphs 6 and 7, hereby incorporated by reference.

20 13. Respondent's application for licensure is subject to denial under Business
21 and Professions Code sections 2761(f) in that respondent was convicted of crimes substantially
22 related to the qualifications, functions, and duties of a registered nurse, as more fully set forth in
23 paragraphs 6 through 9, hereby incorporated by reference.

24 14. Respondent's application for licensure is subject to denial under Business
25 and Professions Code section 2761(a) on the grounds of unprofessional conduct, as more fully
26 set forth in paragraphs 6 through 9, hereby incorporated by reference.

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1 **WHEREFORE**, Complainant prays that the Board hold a hearing on the matters
2 alleged herein and following said hearing issue a decision and order:

3 1. Denying Rhonda Lynn Bartee's application for licensure as a registered
4 nurse in the State of California; and

5 2. Taking such other and further action as may be deemed proper and
6 appropriate.

7 DATED: 9/14/00

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9 
10 RUTH ANN TERRY, M.P.H., R.N.
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California

15 Complainant

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